



NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
FORT GEORGE G. MEADE, MARYLAND 20755-6000

FOIA Case: 73401
14 August 2013

Mr. Michael Morisy
c/o MuckRock News, Dept. MR 6329
P.O. Box 55819
Boston, MA 02205-5819

Dear Mr. Morisy:

This responds to your Freedom of Information Act (FOIA) request submitted via the Internet on 22 July 2013, which was received by this office on 23 July 2013, for "Copies of documents pertaining to techniques used for tracking turned cellular devices, colloquially known as 'The Find.'" Your letter has been assigned Case Number 73401. Please refer to this case number when contacting us about your request. For purposes of this request and based on the information you provided in your letter, you are considered an "all other" requester. There are no assessable fees for this request. Your request has been processed under the provisions of the FOIA.

We have determined that the fact of the existence or non-existence of the materials you request is a currently and properly classified matter in accordance with Executive Order 13526, as set forth in Subparagraph (c) of Section 1.4. Thus, your request is denied pursuant to the first exemption of the FOIA which provides that the FOIA does not apply to matters that are specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign relations and are, in fact properly classified pursuant to such Executive Order.

In addition, this Agency is authorized by various statutes to protect certain information concerning its activities. The third exemption of the FOIA provides for the withholding of information specifically protected from disclosure by statute. Thus, your request is also denied because the fact of the existence or non-existence of the information is exempted from disclosure pursuant to the third exemption. The specific statutes applicable in this case are Title 18 U.S. Code 798; Title 50 U.S. Code 3024(i) (formerly Title 50 U.S. Code 403-1(i)); and Section 6, Public Law 86-36 (50 U.S. Code 3605, formerly 50 U.S. Code 402 note).

To the extent that any responsive records did exist, based upon the information you provided regarding the subject of your request, they would be contained in operational files. Please note that 50 U.S.C. Subsection 432b exempts operational files of the NSA from the publication, disclosure, search, and review provisions of the FOIA, 5 U.S.C. § 552. As such, the only files that would contain responsive records, should any exist, are not subject to search in response to your request. Therefore, your request is denied.

The Initial Denial Authority for NSA information is the Associate Director for Policy and Records, David J. Sherman. As your request is being denied, you are hereby advised of this Agency's appeal procedures. Any person denied access to information may file an appeal to the NSA/CSS Freedom of Information Act Appeal Authority. The appeal must be postmarked no later than 60 calendar days of the date of the initial denial letter. The appeal shall be in writing addressed to the NSA/CSS FOIA Appeal Authority (DJ4), National Security Agency, 9800 Savage Road STE 6248, Fort George G. Meade, MD 20755-6248. The appeal shall reference the adverse determination and shall contain, in sufficient detail and particularity, the grounds upon which the requester believes that the determination is unwarranted. The NSA/CSS FOIA Appeal Authority will endeavor to respond to the appeal within 20 working days after receipt, absent any unusual circumstances.

Sincerely,

A handwritten signature in black ink, appearing to read "Pamela N. Phillips", written in a cursive style.

PAMELA N. PHILLIPS
Chief
FOIA/PA Office